Guide to OHS:
Workers

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Contents

Our shared goal: health and safety 1

The OHS Act and OHS Code 2

Do Alberta's OHS laws apply to me? 2

Role of Alberta OHS 4

Your employer 6

Your supervisor 7

Your right to a safe and healthy workplace 9

Disciplinary action complaints 12

Incident reporting and investigation 13

Your responsibilities 14

Non-compliance 15

Appeal an OHS order or decision 18

Our shared goal: health and safety

This guide is an introduction to Alberta's occupational health and safety laws and your role – as a worker – in ensuring health and safety at the work site.

Occupational health and safety law is based on an internal responsibility system. The main idea of this system is that everyone in the workplace shares accountability for health and safety, according to the authority and level of control they have.

Alberta's *Occupational Health and Safety Act* (OHS Act) is an important law that affects you. Part 1 of the OHS Act sets out general duties of the regulated work site parties (employers, supervisors, workers, suppliers, service providers, owners, contracting employers, prime contractors, and temporary staffing agencies).

While each work site party may have a different role, they all share responsibility for health and safety. The OHS Act reinforces this by placing a common duty to co-operate on each regulated work site party.

The OHS Act and OHS Code

Alberta's main occupational health and safety legislation is the OHS Act and Occupational Health and Safety Code (OHS Code). These laws set out requirements to help keep your work site healthy and safe.

The OHS Act sets general rules to protect and promote the health and safety of Alberta workers. The act also gives the government authority to make workplace safety regulations and codes, and enforce the laws.

The OHS Code specifies detailed technical standards and health and safety rules. These technical requirements cover chemical hazards, equipment safety, first aid, harassment, violence, and noise, to name a few.

Do Alberta's OHS laws apply to me?

You are a worker if you are engaged in an occupation – even if you perform services for an organization or employer without being paid. You are not a worker under OHS laws if you are:

- A student engaged in their studies, without any payment.
- The owner, their family member or an unwaged person working on certain farming and ranching operations.
- A person doing work for yourself around your home, as described on the next page.

The OHS Act and OHS Code apply to all work activities, work sites and work site parties in Alberta, except:

- Where federal jurisdiction applies (for example, Canadian chartered banks, interprovincial transportation companies, and television and radio broadcasters).
- Certain farming and ranching operations, if you are the owner, their family member or an unwaged person working at the farm or ranch.
- Private dwellings, if a person who lives there is doing tasks for their own business, or personal work – such as household chores or repairs – in, to or around the home. (If you are working from home for an outside employer, the OHS Act and OHS Code apply.)

In some cases, only limited sections of the OHS Code apply (as well as all of the OHS Act).

- Certain farming and ranching operations – if they employ waged, non-family workers – must comply with Part 13 of the OHS Code. (Part 13 contains technical requirements for health and safety committees and health and safety representatives.)
- When the occupant of a private dwelling (or someone on their behalf) directly employs a worker to do normal household duties, specific code provisions apply. This is true whether the domestic worker lives in the home, or not.

More information on these topics can be found in the Are students and volunteers workers?, Domestic workers, and Health and safety on Alberta farms and ranches publications on Alberta's OHS Resource Portal. *

* Go to the inside back cover to find out how to access the OHS Resource Portal publications referenced in this booklet.

Role of Alberta OHS

Alberta OHS is the part of the provincial government that administers and enforces Alberta's occupational health and safety laws. OHS has resources available to help you:

- Understand work site parties' rights and responsibilities.
- Meet your legal requirements.
- Prevent injuries, illnesses and fatalities.

If you have questions about occupational health and safety laws or workplace health and safety, call the OHS Contact Centre:

- 1-866-415-8690 anywhere in Alberta.
- 780-415-8690 in Edmonton and surrounding area.

OHS officers

Alberta OHS officers have authority to:

- Conduct work site inspections.
- Investigate workplace injuries, illnesses or incidents.
- Require proof of identity from any person at a work site.
- Require employers to identify all workers and supervisors they employ.
- Take a range of actions to enforce compliance with occupational health and safety laws.

When performing a work site inspection or investigation, OHS officers have a number of authorities. Some of these may involve you directly. For instance, an officer may ask you to explain a work

site process or demonstrate how a piece of equipment works. If an officer asks you for information or a statement, you must provide it to them.

Section 37 of the OHS Act prohibits anyone from interfering with or hindering an OHS officer.

Read more in Role and duties of Alberta OHS officers.

WCB

Sometimes people mistake Alberta OHS for the Workers' Compensation Board – Alberta (WCB). Alberta OHS is separate from the WCB.

The WCB's role is to provide rehabilitation services and wage-loss support for workers with job-related injuries and illnesses. The WCB works with Alberta OHS, industry, and labour to help reduce the impact of workplace injuries and illnesses on Albertans. The workers' compensation system is funded by employers; the WCB oversees the Accident Fund to ensure there are sufficient funds available for the payment of present and future compensation to injured workers.

Your employer

It is important to know who your employer is. This is because the OHS Act and OHS Code give employers a great deal of responsibility for health and safety.

The OHS Act defines an employer as anyone who employs or engages one or more workers (including workers from a temporary staffing agency). The definition also includes anyone who is a designated employer representative, responsible for overseeing workers' health and safety for a corporation or employer. A self-employed person is also considered an employer.

Your employer's general duties are set out in Section 3 of the OHS Act. This section says that employers must do everything reasonably practicable to:

- Ensure the health, safety and welfare of workers.
- Ensure the health and safety of other persons at or in the vicinity of the work site.
- Make sure that you, the worker, know your rights and responsibilities under OHS legislation.
- Prevent workplace harassment and violence.
- Provide competent supervisors.
- Make sure that the joint health and safety committee or representative – if your workplace has either – comply with their legislated requirements.
- Resolve health and safety concerns in a timely manner.

Section 3 of the OHS Act also states that employers must ensure:

- You are trained to do your job in a healthy and safe manner.
- You only carry out dangerous work if you're competent to do so, or supervised by a competent worker.
- Health and safety information and occupational health and safety legislation are readily available to you.
- They themselves co-operate with anyone carrying out a duty under occupational health and safety legislation.

Guide to OHS: Employers gives more information about employer responsibilities.

Your supervisor

It's also important to know who your supervisor is. Supervisors have specific health and safety responsibilities.

The OHS Act defines supervisors as persons who have charge of a work site or authority over workers. It's the authority of the position

that defines a supervisor, not their job title – and depending on the organization and type of work site, a supervisor may go by another name. There are many examples; a few are manager, director, foreman, lead hand, team lead, or charge nurse.

The general duties of supervisors are in Section 4 of the OHS Act. Under this section, supervisors must do everything reasonably practicable to:

- Protect the health and safety of workers under their supervision.
- Prevent workplace harassment and violence.
- Tell workers under their supervision about all known or possible hazards in the work area.
- Ensure workers under their supervision follow legislated

occupational health and safety responsibilities.
- Report health and safety concerns to the employer.
- Co-operate with any person carrying out a duty under occupational health and safety legislation.

Learn more about supervisors' responsibilities in Guide to OHS: Supervisors.

Your right to a safe and healthy workplace

As a worker, you need to be aware of your rights and duties under the internal responsibility system. Under the OHS Act, workers have three fundamental rights:

- The right to know.
- The right to participate.
- The right to refuse dangerous work.

Know about health and safety

You have the right to know about workplace hazards and have access to health and safety information at the work site.

Your employer has the responsibility to make you aware of your rights and duties under occupational health and safety laws. Your employer must also provide you with information about hazards at the work site, how to eliminate or control the hazards, and any relevant work practices and procedures. Your supervisor must do everything reasonably practicable to advise you of all known or possible hazards in the work area.

Your employer must make sure you have the skills and training needed to do your work in a healthy and safe manner. Playing your part in the internal responsibility system, you must participate in the training and apply your learning at the job.

Participate in health and safety

You have the right to meaningful participation in health and safety matters at your work site, including the right to express any health and safety concerns. As much as reasonably practicable, your employer must resolve health and safety concerns raised by any worker in a timely manner.

If your workplace has a health and safety committee or representative, they are in place so that worker representatives can work with the employer or their representatives to address health and safety concerns.

If your workplace does not have a health and safety committee or representative, your employer must still resolve any health and safety concerns brought forward by workers. Under the OHS Code, there are also requirements to involve affected workers in hazard assessment and control, emergency response planning, violence and harassment prevention, and developing and implementing certain safe work practices.

For more information, read Health and safety committees and representatives and Participation in health and safety for small business owners and workers.

Refuse dangerous work

In this section, "undue hazard" in relation to any occupation includes a hazard that poses a serious and immediate threat to the health and safety of a person.

OHS Act, s. 17(1)

You have the right to refuse work if you reasonably believe that there is an undue hazard at the work site or that the work is an undue hazard to you or others.

Section 17 of the OHS Act describes the steps that workers and employers must follow in the work refusal process.

For more information, read Right to refuse dangerous work.

Disciplinary action complaints

You can't be disciplined for following the rules of the OHS Act or OHS Code.

Disciplinary action is any action or threat of action that can negatively affect a worker's employment. A few examples of disciplinary action include termination, demotion, transfer, changed work hours, reprimands, coercion or intimidation.

If this does happen to you, you can file a disciplinary action complaint with Alberta OHS. Keep in mind, though, that OHS must follow specific rules to be able to follow up on the complaint:

- You must file your complaint with OHS within 180 days of the action taken against you.
- OHS officers may refuse to investigate complaints that they find to be without merit, or frivolous, trivial, vexatious, filed with improper motives or otherwise an abuse of process.
- OHS can only accept disciplinary action complaints from workers not bound by a collective agreement.
  - » Workers bound by a collective agreement must use their grievance processes to pursue disciplinary action complaints.

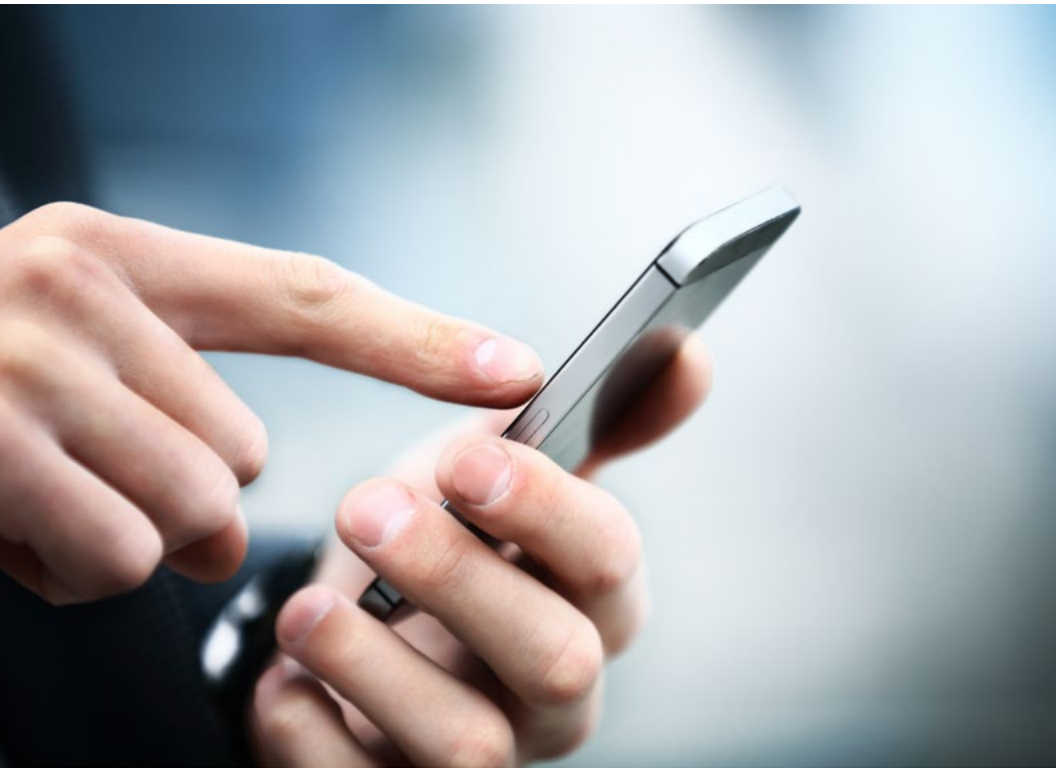
To confirm that you experienced disciplinary action in violation of the OHS Act, an investigating officer will establish that:

- You were complying with a requirement in occupational health and safety legislation or an OHS officer's order.
- Disciplinary action was taken against you.
- The disciplinary action was not for a reason other than your health and safety compliance.

For more information, read Disciplinary action complaints.

Incident reporting and investigation

The OHS Act requires that prime contractors report and investigate certain incidents. If there is no prime contractor, the responsibility falls to your employer.



Reportable incidents are described in Section 33 of the OHS Act. These incidents are:

- Serious injuries, illnesses or incidents.
- Radiation overexposures.
- Incidents at a mine or mine site.
- Potentially serious incidents.

The prime contractor or your employer must report all of these –

except potentially serious incidents – to Alberta OHS as soon as possible.

The prime contractor or your employer must investigate all reportable incidents – including potentially serious incidents – and prepare an investigation report. They must provide a copy of their investigation report to OHS and to the health and safety committee or representative. If there is no health and safety committee or representative, they must make their investigation report available to all workers.

For more information about prime contractor and employer incident obligations, read Incident reporting and investigation.

Your responsibilities

The law requires you to work in ways that ensure your health and safety, and the health and safety of others. You must follow the health and safety rules for your job. For example, when doing certain kinds of work, you may be required to use personal protective equipment. You must also take part in any training provided by your employer.

You are responsible for reporting any concern about work site dangers to your employer or supervisor. Your employer and supervisor must address your concerns and make it healthy and safe for workers to work.

If your employer or supervisor fail to address your concern, you can take the problem to the health and safety committee or representative, if there is one. If there is no health and safety committee or representative, or if you are still not satisfied, you can call the OHS Contact Centre and ask Alberta OHS to look into the problem. Anyone has the right to call OHS, whether directly involved in the work or not.

You must not cause or participate in harassment or violence at the workplace.

You must not perform work that may endanger you or others unless you are either competent to do so or you are working under the direct supervision of a worker who is competent in that work.

As well as following the laws yourself, you must co-operate with anyone who is carrying out their duties under occupational health and safety legislation. This includes OHS officers who are conducting inspections or investigations.

Non-compliance

It is in everyone's best interest to protect the health and safety of themselves and other persons. However, if you or other work site parties don't comply with the law, the OHS Act can be used to compel all parties to follow the rules.

OHS orders

The OHS Act gives OHS officers authority to issue orders that require work site parties to comply with occupational health and safety laws. Types of orders include:

- Compliance orders, which mandate work site parties to meet their legislated obligations, and require measures and timelines for compliance.
- Stop use orders, which require certain work site parties to stop using personal protective equipment, other equipment,

harmful substances or explosives if they are unsafe or do not comply with occupational health and safety laws.

- Stop work orders can be used if an officer believes there is a danger to worker health and safety. They can apply to certain activities or areas of a work site, an entire work site, or to multiple work sites controlled by a single employer. An OHS officer may also require any person to leave the work site if it is dangerous for that person to remain.

Violation tickets

OHS officers have authority to write immediate, on-the-spot tickets against employers, supervisors and workers who violate certain provisions of the OHS Code. Ticket amounts range from $100 to $500 per violation, plus a 20% victim surcharge.

OHS tickets use the same form as Alberta traffic tickets. The form describes how to pay or contest the ticket, and gives a court date and location.

Administrative penalties

An administrative penalty is a monetary penalty issued by Alberta OHS. Penalty amounts are a maximum of $10,000 per day, per contravention. OHS officers can issue administrative penalties to any person who has done any of the following:

- Contravened occupational laws legislation.
- Not complied with an order, acceptance, allowance, approval, or inter-jurisdictional recognition.
- Made a false statement or given false or misleading information to an officer.

For more information on orders, tickets or administrative penalties, read Role and duties of Alberta OHS officers.

Prosecutions

A person who breaks the rules of the OHS Act or the OHS Code, or commits other offences listed in the act, can be charged. Conviction on a first offence can lead to a fine of up to $500,000, plus $30,000 each day an offence continues, and/or a jail term of up to six months per violation. A second offence can result in a fine of up to $1,000,000 plus $60,000 each day an offence continues, and/or a jail term of up to one year per violation. These penalties are set out in the OHS Act.

As well, charges can be laid for workplace incidents under federal criminal law, against anyone who directs another person's work, and whose actions or omissions "show a wanton and reckless disregard for the lives and safety of other persons." The *Criminal Code* of Canada imposes serious penalties for violations that result in bodily harm (serious injury or illness) or death. In such cases, the maximum jail penalties are 10 years for each person who suffered bodily harm (serious injury or illness) and life imprisonment in relation to each person killed. Companies and individuals can also

be subject to fines and other criminal sanctions under the *Criminal Code*.

For more information on occupational health and safety prosecutions, visit alberta.ca/ohs-investigations.aspx.

Appeal an OHS order or decision

The Alberta Labour Relations Board (ALRB) hears appeals of OHS orders, administrative penalties, licence cancellations or suspensions, work refusal investigations, and disciplinary action complaint decisions. You can only appeal to the ALRB if you are specifically named as the recipient of the order or decision.

The ALRB can:

- Confirm, vary, or revoke certain orders or decisions.
- Remit certain orders or decisions back to OHS.
- Reject hearing an appeal if the ALRB determines it is without merit, or is frivolous, trivial, vexatious, filed without merit, or an abuse of process.

For more information, visit alberta.ca/appeal-ohs-action.aspx.

Notes

Further reading

The resources that were referenced throughout this guide are listed below. To access them, visit Alberta's OHS Resource Portal online at

ohs-pubstore.labour.alberta.ca

and search for the resource's Publication ID:

Resource	Publication ID
Are students and volunteers workers?	**LI022**
Disciplinary action complaints	**LI061**
Domestic workers	**LI069**
Guide to OHS: Employers	**LI009**
Guide to OHS: Supervisors	**LI010**
Health and safety committees and representatives	**LI060**
Health and safety on Alberta farms and ranches	**BP029**
Incident reporting and investigation	**LI016**
Participation in health and safety for small business owners and workers	**LI055**
Right to refuse dangerous work	**LI049**
Role and duties of Alberta OHS officers	**LI046**

You can also access the OHS Resource Portal using this QR code:

Contact us

OHS Contact Centre

1-866-415-8690 (Alberta)
780-415-8690 (Edmonton area)

Deaf or hard of hearing (TTY):

1-800-232-7215 (Alberta)
780-427-9999 (Edmonton area)

Notify OHS of health and safety concerns

alberta.ca/file-complaint-online.aspx

> Call the OHS Contact Centre if you have concerns that involve immediate danger to a person on a work site.

Report a workplace incident to OHS

alberta.ca/ohs-complaints-incidents.aspx

Website

alberta.ca/ohs

Get copies of the OHS Act, Regulation, and Code

Alberta King's Printer

alberta.ca/alberta-kings-printer.aspx

OHS

alberta.ca/ohs-act-regulation-code.aspx

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